

ENTERED

May 13, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISIONMARIA I. DE LA GARZA, *et al.*,

Plaintiffs,

VS.

BCW TRUCKING, LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:24-CV-00066

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

On April 16, 2025, United States Magistrate Judge Mitchel Neurock issued his “Memorandum and Recommendation of United States Magistrate Judge” (D.E. 26). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.


When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s memorandum and recommendation (D.E. 26), and all other relevant

documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court:

- **DENIES** Defendants' motion for summary judgment (D.E. 19) with regard to Plaintiffs' claim that Wilson failed to properly inspect or secure the load;
- **DENIES** Defendants' motion for summary judgment with regard to Plaintiffs' claims of gross negligence and respondeat superior regarding Wilson's alleged failure to properly inspect or secure the load;
- **GRANTS** summary judgment for Defendants with regard to Plaintiffs' claim that Wilson failed to exercise ordinary care in his emergency driving maneuvers when the panel began to fall from the trailer;
- **GRANTS** summary judgment for Defendants with regard to Plaintiffs' claims of gross negligence and respondeat superior regarding Wilson's emergency driving maneuvers when the panel began to fall from the trailer; and
- **GRANTS** summary judgment for Defendants with regard to Plaintiffs' abandoned claim that Wilson failed to properly maintain his truck and trailer.

ORDERED on May 13, 2025.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE